

FORM 3-II: Cover Letter for Escalated NOVs Without Civil Penalty (with SDP)

EA-YY-XXX

(Name of Licensee)

(Address)

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A (WHITE, YELLOW, RED)
FINDING AND NOTICE OF VIOLATION
(NRC [include type of inspection, e.g., "Integrated, Special"] Inspection Report No(s).
XX-XXX/YY-NN)
[if applicable, add "and (Investigation Report No(s). X-XXXX-XXX)"]
[include name of facility]

Dear _____:

(Refer to IMC 0612 and IMC 0609 for guidance related to the overall structure of the cover letter and content of introductory paragraphs.)

The purpose of this letter is to provide you with the final results of our significance determination of the preliminary (White, Yellow, Red) finding identified in the subject inspection report. Inspection finding(s) were assessed using the significance determination process and were preliminarily characterized as (White, Yellow, Red), (i.e., an issue with low to moderate increased importance to safety, which may require additional NRC inspections, an issue with substantial importance to safety that will result in additional NRC inspection and potentially other NRC action; (red) an issue of high importance to safety that will result in increased NRC inspection and other NRC action). This (White, Yellow, Red) finding involved (describe the finding(s)).

[For declination of a regulatory conference, include the following paragraph:]

In a telephone conversation with Mr. ____ of NRC, Region X, on Date, (responsible Licensee) of your staff indicated that (Licensee) did not contest the characterization of the risk significance of this finding and that you declined your opportunity to provide additional information or discuss this issue in a regulatory conference.

[For regulatory conferences, include the following paragraph:]

At your request, a regulatory conference was held on (Date), to further discuss your views on this issue. (A copy of the handout you provided at this meeting is attached.) During the meeting your staff described your assessment of the significance of the findings, detailed corrective actions, including the root cause evaluations for the event classification issues. Specifically, (provide additional details of the licensee assessment if needed).

After considering the information developed during the inspection (if applicable, add: "the additional information you provided in your letter dated (date), and the information you provided at the conference"), the NRC has concluded that the inspection finding is appropriately characterized as (White, Yellow, Red), (i.e., an issue with low to moderate increased importance to safety, which may require additional NRC inspections, an issue with substantial importance to safety that will result on additional NRC inspection and potentially other NRC action; an issue of high importance to safety that will result in increased NRC inspection and other NRC action).

You have 10 business days from the date of this letter to appeal the staff's determination of significance for the identified [white/yellow/red] finding[s]. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Supplement 3.

The NRC has also determined that (describe the violation) is a violation of (list the requirement), as cited in the attached Notice of Violation (Notice). The circumstances surrounding the violation are described in detail in the subject inspection report. In accordance with the NRC Enforcement Policy, NUREG-1600, the Notice of Violation is considered escalated enforcement action because it is associated with a (White, Yellow, Red) finding.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Because plant performance for this issue has been determined to be in the ____ regulatory response band, we will use the NRC Action Matrix, to determine the most appropriate NRC response for this event. We will notify you, by separate correspondence, of that determination.

¹In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. The NRC also includes significant enforcement actions on its Web site at www.nrc.gov; select **What We Do, Enforcement**, then **Significant Enforcement Actions**.

Sincerely,

Regional Administrator
or Designee

Docket No. _____

License No. _____

Enclosure: Notice of Violation

¹ For those packages containing Safeguards Information, remove this paragraph and replace with:

The material enclosed herewith contains Safeguards Information as defined by 10 CFR Part 73.21 and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. Therefore, the material will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.